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EXAMINER

TEKLE, DANIEL T

ART UNIT

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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/018,846 | Applicant(s) KATO ET AL. | |
| | Examiner DANIEL TEKLE | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 28-34, 36-46, 55-59, 65-72 and 74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 28-34, 36-46, 55-59, 65-72 and 74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 13, 28, 36-39, 42, 44, 55, 57, and 70-71 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The words “only one of either” in combination and the word “either” singly not found in the disclosures. Therefore an applicant appropriate correction required.

Claim Objections

Claim 65-69 objected to because of the following informalities: The step of recording a computer program is based on cancelled claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 13, 28-34, 36-46, 55-59, 70-72 and 74 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al (US 6445877).

Regarding claim 13: Okada et al. discloses a computer readable medium adapted to store a computer program for an information processing apparatus recording AV stream data on a recording medium the computer program comprising: a first determining step of determining whether a first table is recorded on the recording medium, the first table recorded as a function of a first recording method (**fig. 21 element 813**); a second determining step of determining whether a second table is recorded on the recording medium, the second table recorded as a function of a second recording method (**fig. 21 element 813**); a reproducing step of reproducing the first table or the second table; wherein the first table describes a relation of correspondence between a presentation time stamp and an address in said AV stream data of a corresponding access unit, and wherein the second table describes a relation of correspondence between an arrival time stamp derived from an arrival time point of a transport packet and an address in said AV stream data of a corresponding transport packet, from said recording medium based on the first determining step or the second determining step, wherein the first table is distinct from the second table (**column 20 lines 57-67 and column 21 lines 1-18**); and a controlling step of controlling output of said AV stream data based on the reproduced table (**column 25 lines 20-23**).

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Regarding Claim 28: Okada et al. discloses an information processing apparatus for recording AV stream data on a recording medium, comprising: a controller for generating a first table describing a relation of correspondence between a presentation time stamp and an address in AV stream data of a corresponding access unit, or generating a second table describing a relation of correspondence between an arrival time stamp derived from the an arrival time point of a transport packet and an address in AV stream data of a corresponding transport packet (**column 18 lines 54-65**); and a recorder for recording one of the generated first table or the generated second table, on recording medium with AV stream data, based on the controller (**column 17 lines 41-67**).

Regarding Claim 29: Okada et al. discloses the information processing apparatus according to claim 28 wherein first table is EP_map (**column 21 lines 5-18**); and wherein second table is TU_map (**column 20 lines 57-67 and column 21 lines 1-4**).

Regarding Claim 30: Okada et al. disclose an information processing apparatus according to claim 28 wherein controller selects second table in case of non-cognizant recording (**column 20 lines 63-66**).

Regarding Claim 31: Okada et al. disclose the information processing apparatus according to claim 28 wherein controller selects first table in case of self-encoding recording (**column 13 lines 1-5**).

Regarding Claim 32: Okada et al. disclose the information processing apparatus according to claim 28 wherein controller selects first table in case of cognizant recording (**column 21 lines 5-18**).

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Regarding Claim 33: Okada et al. disclose the information processing apparatus according to claim 28 wherein controller generates the identification information indicating which of first and second tables have been recorded; recorder memorizing identification information (**column 17 lines 53-67 and column 18 lines 1-7**).

Regarding Claim 34: Okada et al. disclose the information processing apparatus according to claim 33 wherein controller manages control so that, if first table is recorded along with AV stream data, the time of the reproduction domain of AV stream data is controlled based on the presentation time basis and wherein if second table is recorded along with AV stream data, the time of the reproduction domain of AV stream data is controlled based on the arrival time basis (**column 17 lines 53-67, column 18 lines 1-18 and column 20 line 40**).

Regarding claim 36-37: Claim 35-37 are rejected for the same subject matter as claim 28.

Regarding claim 38: Claim 38 is rejected for the same subject matter as claim 13.

Regarding Claim 39: Okada et al. disclose an Information processing apparatus for processing audio and/or picture information, comprising: an input unit operable to input audio and/or picture information (**column 1 lines 8-14**); a controller operable for generating characteristic point information comprising: (i) an entry point map describing a relationship between a presentation time stamp of an entry point and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit and an address of a respective time unit, wherein the characteristic point information comprising: the entry point map or the time unit map is

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generated as a function of a type of input audio and/or picture information (**column 20 lines 57-67 and column 21 lines 1-18**); and an output unit operable to output the generated characteristic point information (**column 18 lines 1-8**).

Regarding Claim 40: Okada et al. disclose an apparatus of claim 39, further including a recorder operable to record audio and/or picture information and the characteristic point information on a recording medium (**column 18 lines 1-8**).

Regarding Claim 41: Okada et al. discloses an apparatus of claim 40 wherein controller generates the entry point map when the input audio and/or picture information is converted to self-encode stream format (**column 13 lines 1-5**).

Regarding Claim 42: Okada et al. discloses an Information processing apparatus for processing audio and/or picture information, comprising: an input unit operable to input audio and/or picture information (**column 1 lines 8-14**); a controller adapted to generate one map; wherein the only one generated_map is either (i) an entry point map describing a relationship between a presentation time stamp of an entry point and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit and an address of a respective time unit, wherein the controller is adapted to generate; the entry point map or the time unit map as a function of a recording method; (**column 20 lines 57-67 and column 21 lines 1-18**); and a recorder operable to record the audio and/or picture information and the entry point map or the time unit map generated map on a recording medium (**column 1 lines 8-14**).

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Regarding claims 43: Okada et al. discloses an apparatus of claim 42, wherein controller generates the time unit map when the entry point map cannot be prepared **(column 19 lines 45-55)**.

Regarding claims 44: Okada et al. discloses an Information processing apparatus for recording input audio and/or picture information, comprising: a controller operable to generate play list information and map information corresponding to clip information, wherein clip information includes audio and/or picture information, play list information including at least one play item designated by an in-point and an out-point of the clip information, wherein map information (i) an entry point map describing a relationship between a presentation time stamp of an entry point and an address of a respective entry point, or (ii) a time unit map describing a relationship between an arrival time stamp of a time unit and an address of a respective time unit wherein generation of the entry point map or the time unit map is a function of a recording method**(column 11 lines 29-61)**; and a recorder operable to store the playlist information, the map information and the clip information on a recording medium **(column 7 lines 15-31)**.

Regarding claims 45: Okada et al. disclose the apparatus of claim 44, wherein controller generates the map information for each point of the clip information **(column 11 lines 29-31)**.

Regarding claims 46: Okada et al. discloses the apparatus of claim 45, wherein controller generates the map information of the same type for all clip information associated with one play list **(column 11 lines 40-49)**.

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Regarding claim 55: Okada et al. discloses an apparatus for reproducing audio and/or picture information comprising: a reproducing device for reproducing from a storage medium audio and/or picture information (i) an entry point map describing the relationship between a presentation time stamp of an entry point of information and an address of a respective entry point, or (ii) a time unit map describing a relationship between an arrival time stamp of a time unit of information and an address of a respective time unit wherein; the entry point map or the time unit map is reproduced as a function of type of input audio and/or picture information (**column 20 lines 57-67 and column 21 lines 1-18**); a map recovery unit for recovering the entry point map or the time unit map from storage medium (**column 4 lines 66-67 and column 5 lines 1-7**); and an audio and/or picture information reproducing unit for reproducing the audio and/or picture information associated with the recovered map (**column 5 lines 8-18**).

Regarding claim 56: Okada et al. discloses an apparatus of claim 54, wherein the entry point map is stored on storage medium when the audio and/or picture information is in a self-encode stream format (**column 13 lines 1-5**).

Regarding claims 57: Okada et al. discloses an apparatus for reproducing audio and/or picture information, comprising: a determining unit configured to determine map information recorded on a recording medium, the map information recorded as a function of a corresponding recording method (**column 17 lines 53-67**); a reproducing device for reproducing from a storage medium that stored playlist information and map information corresponding to a stream file stream file including audio and/or picture information, wherein playlist information including at least one PlayItem having IN time

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to indicate a presentation start time of PlayItem and OUT time to indicate the presentation end time of PlayItem, **(column 11 lines 29-61)** wherein map information includes (i) an entry point map describing the relationship between a presentation time stamp of an entry point of the stream file and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit of the stream file and an address of a respective time unit **(column 20 lines 57-67 and column 21 lines 1-18)**; a playlist recovery unit for recovering the playlist information **(column 20 lines 49-55)**; a map recovery unit for recovering the map information **(column 20 lines 49-55)**; and a reproducing unit for reproducing the clip information associated with the recovered map information **(column 20 lines 49-55)**.

Regarding claims 58: Okada et al. disclose an apparatus of claim 56 wherein respective map information is stored for each stream file**(column 11 lines 40-49)**.

Regarding claims 59: Okada et al. discloses an apparatus of claim 57 wherein map information of the same type is stored for all clip information associated with one playlist **(column 11 lines 40-49)**.

Regarding claims 70: Okada et al. discloses a data providing medium encoded with data readable by a digital processor for controlling reproduction of data including: a flag type; and an entry point map describing the relationship between a presentation time stamp of an entry point of audio and/or picture information recorded thereon and an address of a respective entry point, or a time unit map describing the relationship between an arrival time stamp of a time unit of information and an address of a respective time unit in accordance with a type of input audio and/or picture information,

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wherein the flag type indicates a type of recording process used to record the entry point map or the time unit map **(column 20 lines 57-67 and column 21 lines 1-18)**.

Regarding claims 71: Okada et al. discloses a data providing medium encoded with data readable by a digital processor for controlling reproduction of data including playlist information and map information corresponding to clip information, clip information including audio and/or picture information, said playlist information including at least one play item designated by an in-point and an out-point of the clip information, **(column 11 lines 29-61)** and map information being: (i) an entry point map describing the relationship between a presentation time stamp of an entry point and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit of the stream file and an address of a respective time unit **(column 20 lines 57-67 and column 21 lines 1-18)**, wherein inclusion of only one map; one of either the entry point map or the time unit map is a function of a recording method **(column 20 lines 49-64)**.

Regarding Claim 72: Okada et al. discloses an apparatus for reproducing according to claim 57, comprising: a reproducing device for reproducing the map file from the stream file **(column 5 lines 8-18)**.

Regarding claim 74: Claim 74 are rejected for the same subject matter as claim 72.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621